

1 Patricia P. Hollenbeck (SBN 121765)
Michelle Hon Donovan (SBN 234492)
2 Heather U. Guerena (SBN 238122)
Jess R. Booth (SBN 245430)
3 Duane Morris LLP
750 B Street, Suite 2900
4 San Diego, CA 92101-4681
Telephone: 619 744 2200
5 Facsimile: 619 744 2201
E-mail: phollenbeck@duanemorris.com
6 mhdonovan@duanemorris.com
huguerena@duanemorris.com
7 jrbooth@duanemorris.com

8 Attorneys for Defendant,
DR. LAWRENCE P. RUDOLPH
9

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SOUTHERN DIVISION**
13

14 SAFARI CLUB INTERNATIONAL, and
15 JOHN WHIPPLE, an Individual,

16 Plaintiff,

17 v.

18 DR. LAWRENCE P. RUDOLPH, and
19 DOES 1 THROUGH 10 INCLUSIVE,

20 Defendants.
21

Case No.: 13-cv-01989 JVS (ANx)

**DEFENDANT'S NOTICE OF
SPECIAL MOTION TO STRIKE
PLAINTIFFS' VERIFIED FIRST
AMENDED COMPLAINT [CAL.
CODE CIV. PRO. § 425.16]**

22 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

23 PLEASE TAKE NOTICE that on April 21, 2014 at 1:30 p.m., or as soon
24 thereafter as the matter may be heard in Courtroom 10C of the above-entitled Court,
25 Defendant Dr. Lawrence P. Rudolph, (the "Defendant" or "Dr. Rudolph") will move
26 and hereby does move this Court for an order striking the Verified First Amended
27 Complaint in this matter in its entirety, with prejudice and without leave to amend
28 pursuant to California Code of Civil Procedure Section 425.16.

1 Defendant brings this Special Motion to Strike upon the grounds that Plaintiffs
 2 have filed a “strategic lawsuit against public participation” (SLAPP). The conduct
 3 Plaintiffs complain of concerns Defendant’s rights of free speech and, thus, is subject
 4 to California’s anti-SLAPP Statute. Cal. Civ. Proc. Code § 425.16. Section
 5 425.16(b)(1) requires that the Verified First Amended Complaint be stricken unless
 6 Plaintiffs demonstrate a probability of prevailing on their claims against Defendant.
 7 Plaintiffs cannot do so for myriad reasons, which are discussed at length in the
 8 accompanying Memorandum of Points and Authorities. In brief, Plaintiffs had no
 9 expectation of privacy in Plaintiff Whipple’s conversation with Defendant, and
 10 Defendant’s conduct was not highly offensive or objectively unreasonable.

11 This Motion is based upon this Notice of Motion and Motion, the Memorandum
 12 of Points and Authorities in support thereof, the supporting declaration of Dr.
 13 Lawrence P. Rudolph, oral argument as permitted by the Court, and any such other
 14 items that the Court deems appropriate.

15 **Conference of Counsel**

16 This motion is made following the conference of counsel pursuant to L.R. 7-3
 17 which took place on March 10, 2014.

18 Respectfully submitted,

19 Dated: March 19, 2014

20 **DUANE MORRIS LLP**

21 By: /s/ Patricia P. Hollenbeck

22 Patricia P. Hollenbeck
 23 Jess R. Booth
 Michelle Hon Donovan
 Heather U. Guerena

24 Attorneys for Defendant,
 25 DR. LAWRENCE P. RUDOLPH